

The article was alleged to be adulterated in that a mixture of egg yolks, egg whites, and salt had been substituted wholly or in part for egg yolks and salt, which it purported to be.

It was alleged to be misbranded in that the term "Yolks with approx. 10% salt" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing egg white, egg yolks, and salt.

On April 19, 1937, the Borden Co. having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled.

H. A. WALLACE, *Secretary of Agriculture.*

27325. Adulteration and misbranding of preserves. U. S. v. 25 Cartons of Raspberry Preserves and 25 Cartons of Strawberry Preserves. Default decree of condemnation and destruction. (F. & D. no. 39346. Sample nos. 20632-C, 20633-C.)

These products were deficient in fruit and contained excess sugar and added pectin. The raspberry preserves contained excess moisture and the strawberry contained added acid.

On April 8, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cartons of raspberry preserves and 25 cartons of strawberry preserves at Providence, R. I., alleging that they had been shipped in interstate commerce on or about December 1, 1936, by the Velmo Co., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: Trump Brand 2 Lbs. Pure Raspberry Preserves [or "Pure Strawberry Preserves"] Eastern Wholesale Grocery Co. Distributors Providence, R. I."

The articles were alleged to be adulterated in that sugar, pectin, and water in the case of the raspberry preserve, and sugar, pectin, and acid in the case of the strawberry preserve, had been mixed and packed with them so as to reduce or lower their quality; in that products of said composition containing less fruit and more sugar than preserves should contain had been substituted for preserves, which the articles purported to be; and in that they had been mixed in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements, "Pure Raspberry Preserves" and "Pure Strawberry Preserves", appearing upon the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to articles resembling preserves, but which were not preserves; and in that they were imitations of and were offered for sale under the distinctive names of other articles, namely, preserves.

On April 29, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27326. Adulteration and misbranding of potatoes. U. S. v. 412 Sacks and 363 Sacks of Potatoes. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 39382, 39425. Sample nos. 43529-C, 43530-C.)

These cases involved potatoes that were below the grade declared on the label.

On or about April 16 and April 24, 1937, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 412 sacks of potatoes at Tampa, Fla., and 363 sacks of potatoes at Jacksonville, Fla., alleging that they had been shipped in interstate commerce on or about April 3 and April 14, 1937, by D. J. Halloran from Boston, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act.

One shipment of the article was alleged to be adulterated in that it consisted in part of potatoes below the U. S. Commercial standard, which had been substituted for potatoes of U. S. Commercial standard. The remaining shipment was alleged to be adulterated in that the article was below U. S. Commercial standard since the potatoes had grade defects in excess of 20 percent.

The article was alleged to be misbranded in that the statement "U. S. Commercial" with respect to one lot, and the statement "U. S. Commercial—D. J. H. Brand Packed by D. J. Halloran Boston" with respect to the remaining lot, borne on the sacks, were false and misleading and tended to deceive and mislead the purchaser when applied to potatoes which were below the U. S. Commercial standard.

On May 12, 1937, D. J. Halloran having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond conditioned that claimant obliterate from the sacks the words "U. S. Commercial."

H. A. WALLACE, *Secretary of Agriculture.*

27327. Adulteration of crab meat. U. S. v. 1 Barrel, 100 Pounds, and 158 Pounds of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 39413, 39415, 39539. Sample nos. 22839-C, 22854-C, 22891-C.)

These cases involved crab meat that was filthy.

On April 14, 17, and 22, 1937, the United States attorneys for the Southern District of New York and the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of one barrel, containing 126 pounds of crab meat, at New York, N. Y., and 258 pounds of crab meat at Philadelphia, Pa., alleging that it had been shipped in interstate commerce on or about April 11, 14, and 20, 1937, by the Gulf Crest Fisheries from Jacksonville, Fla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On April 27 and May 17, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27328. Adulteration of raisins. U. S. v. 37 Cases of Raisins. Default decree of condemnation and destruction. (F. & D. no. 39423. Sample no. 42729-C.)

This case involved raisins that were insect-infested.

On April 22, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 cases, each containing 48 cartons of raisins, at Johnstown, Pa., alleging that they had been shipped in interstate commerce on or about December 27, 1935, by the Sunland Sales Cooperative Association, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sun-Maid Raisins * * * Sun-Maid Raisin Growers of California, of Fresno, California."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On June 11, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27329. Adulteration of tomato paste. U. S. v. John S. Mitchell, Inc. Plea of guilty. Fine, \$25. (F. & D. no. 39443. Sample no. 25732-C.)

Samples of this product were found to contain excessive mold.

On May 13, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John S. Mitchell, Inc., Windfall, Ind., alleging shipment by said company in violation of the Food and Drugs Act on or about November 10, 1936, from the State of Indiana into the State of Illinois of a quantity of tomato paste that was adulterated. The article was labeled in part: "Concentrated Tomato * * * Liberty Bell Brand * * * Packed Expressly for R. Gerber & Co. Chicago, Ill."

It was alleged to be adulterated in that it consisted in whole and in part of a decomposed vegetable substance.

On June 5, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

H. A. WALLACE, *Secretary of Agriculture.*

27330. Adulteration of frozen eggs. U. S. v. Producers Produce Co., Inc. Plea of guilty. Fine \$200. (F. & D. no. 39448. Sample nos. 8843-C, 8844-C, 8846-C, 8852-C.)

This case involved frozen eggs that were in whole or in part decomposed and putrid.

On May 15, 1937, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Producers Produce Co., Inc., at Spring-